

SEP 30 2013

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:06CR00041-001
)	(CASE NO. 5:13CV80648)
v.)	
)	MEMORANDUM OPINION
ADELSON MICHEL,)	
)	By: Glen E. Conrad
Defendant.)	Chief United States District Judge
)	

Adelson Michel, a federal inmate proceeding pro se, filed this motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255. Michel is challenging the validity of his confinement pursuant to the 2007 judgment of this court whereby he was convicted of conspiracy related to crack cocaine trafficking and sentenced to 324 months in prison. Because the record indicates that Michel previously filed a § 2255 motion challenging this conviction,¹ the court summarily dismisses the current motion under § 2255(h) as successive.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit. Michel offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion. Therefore, the instant § 2255 motion is summarily dismissed without prejudice as successive.² A separate order will be entered this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to the defendant.

ENTER: This 30th day of September, 2013.



Chief United States District Judge

¹ See United States v. Michel, 849 F. Supp.2d 649 (W.D. Va. 2012), appeal dismissed, 479 F. App'x 534 (4th Cir. 2012).

² Pursuant to Rule 4 of the Rules Governing § 2255 Proceedings, the court may summarily dismiss a § 2255 motion where "it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief."